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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,048	08/21/2003	George C. Schedivy	8002A-65	6545
22150	7590	08/28/2006	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			YENKE, BRIAN P	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,048

Applicant(s)

SCHEDIVY, GEORGE C.

Examiner

BRIAN P. YENKE

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Election.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 30-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20 Feb 04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's election with traverse of claims 30-35 in the reply filed on 16 June 2006 is acknowledged. The traversal is on the ground(s) that the examination will not present an undue burden. This is not found persuasive because there are a plethora of prior art on video display systems, and thus searching multiple inventions amongst the art is a burden.

The requirement is still deemed proper and is therefore made FINAL.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, and 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferguson, US 2003/0226148.

In considering claims 1, 3, 7, 9, 11 and 13,

a) the claimed hood... is met by Ferguson which discloses a vehicle seat cover (hood) which is connected to a FM transmitter 14 and DVD player 20 (Fig 3b).

Ferguson discloses that a port may connect a game device, and where adapter 19 may be plugged into the cigarette lighter or auxiliary power connector of the vehicle.

In considering claim 2,

Art Unit: 2622

Ferguson discloses a video 13 which is located within the seat cover as shown, where the display includes the claimed hood/cover and claimed frame (structure to fit in opened portion) to place in the hood.

In considering claim 5,

Ferguson discloses a DVD player meeting the slot-type device.

In considering claim 10,

Ferguson disclose a display 13, where given the broadest interpretation of the claim, a cover (screen) is provided.

In considering claim 12,

Ferguson disclose a display 13 which is controlled to display either a DVD or game as desired/controlled/inserted/selected by the user.

In considering claim 14,

Ferguson discloses straps 21 which are used to tighten the cover to the seat/headrest, although the claim recited "drawstrings", irregardless of the name of the element, they perform the same function, thus anticipating the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2622

Claims 4, 6, 8 and 15-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson, US 2003/0226148.

In considering claims 4, 6 and 15,

Ferguson discloses a plurality of media components (Fig 3b) connected to the cover/hood, wherein the DVD appears to be stationary, wherein the claimed docking station, base portion are met by the above elements.

However, the concept of providing displays within a seat/headrest that rotate (i.e. pivotal doors) is conventional practice in the art which allows the passengers to raise/lower/position the screen to a desired position/angle, thus the examiner takes "OFFICIAL NOTICE" regarding as such.

In considering claim 8,

Ferguson discloses a transmitter including a tuner/antenna however Ferguson does not explicitly recite a wireless optical transmitting device, although such device is an off the shelf/conventional item which may be incorporated into a system by design in order to provide the user use of conventional transmitters (LED, lasers etc...) to transmit the information optical wirelessly, thus the examiner takes "OFFICIAL NOTICE" regarding such.

In considering claim 16,

See claim 6 above.

In considering claim 17,

See claim 7 above.

In considering claim 18,

See claim 8 above.

Art Unit: 2622

In considering claim 19,

See claim 9 above.

In considering claim 20,

See claim 10 above.

In considering claim 21,

See claim 11 above.

In considering claim 22,

See claim 12 above.

In considering claim 23,

See claim 13 above.

In considering claim 24,

See claim 12 above.

In considering claim 25,

See claim 14 above.

In considering claims 26-29,

See claim 4 above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see newly cited references on attached form PTO-892.

Art Unit: 2622

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359.

The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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An automated message system is available 7 days a week, 24 hours a day providing informational responses to frequently asked questions and the ability to

order certain documents. Customer service representatives are available to answer questions, send materials or connect customers with other offices of the USPTO from 8:30 a.m. - 8:00p.m. EST/EDT, Monday-Friday excluding federal holidays.


For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

The Patent Electronic Business Center (EBC) allows USPTO customers to retrieve data, check the status of pending actions, and submit information and applications. The tools currently available in the Patent EBC are Patent Application Information

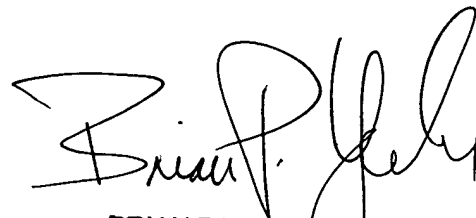
Retrieval (PAIR) and the Electronic Filing System (EFS).

PAIR (<http://pair.uspto.gov>) provides customers direct secure access to their own patent application status information, as well as to general patent information publicly available. EFS allows customers to electronically file patent application documents securely via the Internet. EFS is a system for submitting new utility patent applications and pre-grant publication submissions in electronic publication-ready form. EFS includes software to help customers prepare submissions in extensible Markup Language (XML) format and to assemble the various parts of the application as an electronic submission package. EFS also allows the submission of Computer Readable Format (CRF) sequence listings for pending biotechnology patent applications, which were filed in paper form.

Art Unit: 2622



B.P.Y.
22 Aug 06



BRIAN P. YENKE
PRIMARY EXAMINER